

21905. Expedited Filing of Documents.

(a) The definitions provided in subdivision (a) of Section 21904 shall apply to this section.

(b) The Secretary of State in providing expedited filing services for a fee established pursuant to this section, if such services do not cause disruption or delay in the process of normal handling of documents, may suspend all or any portion of the expedited filing services, as set forth in this section, when deemed necessary due to a high volume of workload, staff shortages or equipment malfunction. Notice of the suspension of all or any portion of the expedited filing services shall be communicated to the public in a reasonable manner. Suspension of all or any portion of the expedited filing services may be for a specified or indefinite period of time, as denoted in the notice.

(c) The expedited filing of eligible documents shall occur as described in this subdivision:

(1) To submit an eligible document for expedited filing a customer shall personally deliver to the Sacramento office of the Secretary of State the following:

(A) Eligible document, including the required ~~original~~ signatures;

(B) Two copies of the eligible document;

(C) Requisite filing fee;

(D) Written request for expedited filing;

(E) Statement as to the class of service requested, as provided in subdivision (e);

(F) Statement as to the means of delivery of the filing confirmation or the filing response, as provided in subdivision (i);

(G) Name and telephone number of the customer to whom questions, if any, regarding the document or service may be directed; and

(H) Requisite expedited filing fee, as provided in subsection (f).

(2) After receipt of an eligible document for expedited filing, as provided in paragraph (1) of subdivision (c), the Secretary of State shall file the document within the time period for the requested class of service, as provided in subdivision (e) below, if the document is determined to conform to law. The Secretary of State shall deliver the filing confirmation by the requested means of delivery, as provided in subdivision (i) below. The Secretary of State shall not be responsible for ensuring that the confirmation of filing is delivered within the time period for the requested class of service, as delivery may take additional time to reach a customer due to the means of delivery or the fact that the

customer is not available to receive it.

(3) If the Secretary of State determines that an eligible document does not conform to law, the Secretary of State shall state in a filing response the reason or reasons for returning the document. Such delivery may take additional time to the extent that the customer is not available to receive it.

(4) If it appears to the Secretary of State that an eligible document cannot be filed or a filing response cannot be issued within the time period for the requested class of service, the Secretary of State shall contact the customer concerning the appropriate action to be taken. The expedited filing fee shall be refunded if a customer requests the document to be returned without filing.

(d) If a request for expedited filing pursuant to this section is not made in writing or the applicable fee is not paid prior to or concurrently with the submission for filing, the Secretary of State shall handle the filing of the document under the normal processing procedures.

(e) The classes of expedited service for an eligible document submitted pursuant to paragraph (1) of subdivision (c) are the following:

(1) Class A service: an eligible document shall be filed or a filing response issued within four (4) hours of receipt by the Secretary of State, excluding weekends and state holidays in which the Secretary of State is closed for business, if the following conditions are satisfied: (A) the eligible document was precleared; and (B) the Secretary of State determines that the information completing the designated blank spaces in the preclearance version, if any, does not require additional time to review; or

(2) Class B service: an eligible document shall be filed or a filing response issued within twenty-four (24) hours of receipt by the Secretary of State, excluding weekends and state holidays in which the Secretary of State is closed for business.

(f) The expedited filing fees shall be the following: (1) \$500 for Class A service; and (2) \$350 for Class B service.

(g) The expedited filing fees provided for in subdivision (f) above shall be in addition to the requisite fees for filing the document.

(h) If an eligible document is submitted for expedited filing pursuant to this section and the Secretary of State determines that the eligible document does not conform to law, the expedited filing fee shall not be refunded.

(i) Delivery of filing confirmation or filing response requested pursuant to subsection (F) of paragraph (1) of subdivision (c) shall be by one of the following means:

(A) The filing confirmation or filing response shall be available at the Sacramento office

of the Secretary of State for the customer to collect in person;

(B) The filing confirmation or filing response shall be transmitted by telephone facsimile, if a telephone facsimile number provided by the customer accompanies the expedited filing request;

(C) The filing confirmation or filing response shall be transmitted by electronic mail, if an electronic mail address provided by the customer accompanies the expedited filing request;

(D) The filing confirmation or filing response shall be placed in the mail to be delivered by overnight courier, if a prepaid, pre-addressed overnight courier envelope provided by the customer accompanies the request for preclearance; or

(E) The filing confirmation or filing response shall be placed in the mail to be delivered by the United States Postal Service first class mail.

NOTE: Authority cited: Section 12182, Government Code; ~~and Budget Act, ch. 52, Stat. of 2000~~ ch. 47, Stat. of 2006; and Section 17.1, Corporations Code. Reference: Section 12182, Government Code; and Section 17.1, Corporations Code.